

REPORT

OF THE

Committee of the House of Assembly,

UPON THE

PETITIONS PRESENTED IN 1827,

BY

SEVERAL MINISTERS AND CONGREGATIONS

OF

PROTESTANT DISSENTERS,

IN

NOVA-SCOTIA,

RELATIVE TO

MARRIAGE LICENSES,

AND

FOR CERTAIN CORPORATE PRIVILEGES.

PRINTED BY ORDER OF THE ASSEMBLY,

1827.

Halifax:

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REPORT.

**THE COMMITTEE TO WHOM THE FOLLOWING PETITIONS
WERE REFERRED, VIZ :**

The Petition of the Elders Deacons, and twenty-nine male Members of the Calvinist Baptist Church, at Briar Island, in the County of Annapolis, and thirty-one Inhabitants.

Of Israel Potter, Pastor, and thirty-two Members of the Baptist Church, at Clements, in the County of Annapolis, and twelve Inhabitants of Clements.

Of Peter Crandall, Pastor, the Deacons, and sixty-two Members of the Second Baptist Church, at Digby, in the same County, and fourteen Inhabitants attending that Church.

Of Thomas Handley Chipman, and sixty-six Members of the Baptist Church, at Nictau Settlement, in the County of Annapolis.

Of Thomas Ansley, Minister, and thirty-seven others, Members of the Baptist Church, in Granville, in the same County.

Of William Parker, and thirty-five Inhabitants of the Township of Aylesford, in King's County.

Of Edward Manning, Minister, and sixty-seven Members of the Baptist Congregation, at Cornwallis, in King's County.

Of William Allen Chipman, and forty-two Inhabitants of Cornwallis

Of Nehemiah Lord, and fifty-five other Inhabitants of Cornwallis.

Of Theodore Seth Herding, Pastor, and seventy-five Members of the Baptist Church, at Horton.

Of William Elder, Minister, and twenty-eight Members of the Baptist Church, in Lower Granville. Of

Of Thomas Tupper, and twenty-six Members of the Baptist Church, at Aylesford, in King's County.

Of Alexander Lewis, Moderator, and the Presbyterian Congregation of St. Mary's River, in the County of Sydney.

Of Robert N. Henry, Moderator, and the Presbyterian Congregation, at Antigonishe, in the County of Sydney.

Of John W. S. Olding, Moderator, and the Presbyterian Congregation at Merigomishe, in the District of Pictou

Of Duncan Cameron, Chairman, and the Presbyterian Congregation of the East Branch of the East River, in that District.

Of Alexander Grant, Chairman, and the Presbyterian Congregation of the West Branch of the East River in that District.

Of John Fraser, Chairman, and the Presbyterian Congregation, of the Lower Settlement of East River, in that District.

Of David Fraser, Chairman, and the Presbyterian Congregation of the Middle River, in that District.

Of John M'Lean, Chairman, and the Presbyterian Congregation of the West River, in that District.

Of Abraham Patterson, Chairman, and the Presbyterian Congregation, in charge of the Rev. Mr. M'Kindlay, at Pictou in that District.

Of Alexander M'Kenzie, Moderator, and the Presbyterian Congregation, at River John, in that District.

Of John Currie, Chairman, and the Presbyterian Congregation, at Tatamagouche, in that District.

Of George Fulton, Moderator, and the Presbyterian Congregation of Upper Stewiacke, in that District.

Of Jacob Lynds, and eighty-eight Members of the Presbyterian Congregation, at Truro, in the District of Colchester.

Of David Fisher, Moderator, and the Presbyterian Congregation, of the Middle Stewiacke, in that District.

Of George Richardson, Pastor, and forty-nine Members of the Baptist Church and Society, at Hammond Plains, in the County of Halifax.

Of Peter Wambolt, and twenty-seven Members of the Baptist Church and Society, at St. Margaret's Bay, in that County.

Of George Dimock, Pastor, the Elders, and twenty Members of the Baptist Church, in Newport, in the County of Hants, and nine Subscribers,

HAVE AGREED TO REPORT AS FOLLOWS:

THAT

THAT the Committee have examined the Petitions referred to them, and find them all concurring in the Statement "that the number of His Majesty's Subjects, professing either the Presbyterian or Regular Calvinistic Baptist Form of Christian Worship and Discipline, is very considerable in this Province; and that their religious conduct and deportment, is marked with all deference and attachment to his Majesty's Government and the laws of the land: Wherefore, the Petitioners trust the House will favorably consider their applications: the objects whereof they state to be, the obtaining certain civil privileges, due to their peaceable and loyal character; and not incompatible with any fixed principles of the constitution."

The Petitioners also state, "that the Clergymen under whose Spiritual Inspection they have voluntarily placed themselves, are, by not having power to marry *by licence*, retained in a state of painful and unmerited degradation—contrary to existing Laws and the principles of equity and sound policy: and that the character and conduct of those Clergymen, should entitle them to the privilege of uniting Parties in marriage, in the same manner as is often permitted to Laymen, and as has always been enjoyed by Clergymen of the Church of England."

The Petitioners further complain "of suffering great inconvenience from their Congregations not being legally enabled to hold and dispose of Lands, Monies and Chattels, for their Religious uses, with the Powers and facilities of a Corporate Body; whereby the building of Places of Worship, and other desirable objects, connected with the support of Religious Establishments, are greatly impeded."

Wherefore, "in the true spirit of that toleration, promised by his Most Gracious Majesty, at the first settlement of this Province, they pray from this House—for their Clergymen the privilege of performing the Marriage Ceremony by *Licence*; and for their Congregations, the civil privileges which will be derived from the incorporation of their Trustees—with proper powers to purchase, hold, and dispose of Real and Personal Estate—to supply vacancies in the trust—and to make such other regulations as may be requisite: These powers to be conferred under such conditions as may not be at variance with their religious tenets or discipline, respectively."

The subject matters of these Petitions, preferred by a large and respectable portion of the Dissenting Clergy and Inhabitants of the Province, and embodying the common opinion of all that class of our fellow subjects, the Committee deem worthy of most serious attention; for they appear to be entirely within the operation of those principles which our Laws so explicitly recognise as the undoubted right and privilege of His Majesty's Subjects in this Province,

Province, and which the Petitioners refer to, as promised at its first settlement—"Perfect equality as to all Civil Rights advantages "and immunities; liberty of conscience in all matters of religious "belief ; and freedom in regard to all religious rights and ordinances."

Considered in this point of view, the *second* request of the Petitioners,—“that Corporate powers may be conferred on their respective Societies”—cannot be regarded as unreasonable. For if similar advantages are possessed by any one denomination of Christians in the Colony—if there follow from granting the prayer of the Petitioners, any benefits they do not at present enjoy—if greater stability and connection will thereby be conferred on these Communities—if the lands held for their Places of Worship, for the residence of their ministers, for interment, or for the support of their particular ordinances, can be better secured or protected, or made more available for the purposes to which they are devoted—if the legal inconveniences of a Trust, consisting of members whose absence, death or disagreement may involve their constituents in litigation and expense, might be effectually prevented—then the Committee conceive, that this suggestion in the Petitions, should be viewed as a measure which a Legislature, acknowledging no one sect or body of men to be in regard to Civil Rights, preferable to another, ought to grant : and the Committee must regard it as a privilege equitably belonging to the Petitioners—and tending, and particularly adapted, to the advancement of the best Interests of Religion and true piety ; which, the Committee humbly apprehend, will ever flourish best in those places whence all sources of jealousy and excitement are carefully and effectually removed.

Nor do the Committee apprehend that—from the Incorporation of each separate Society, with its Minister, for the purposes referred to—there can result any inconvenience to balance the public benefit, which will ensue from the legal and regular establishment of Congregations; and from the means which will be thus presented of ascertaining with what particular Society, each Individual Inhabitant stands connected.

The Committee forbear from detailing what regulations (and many are necessary) may be expedient for this purpose; as the advanced state of the Session renders the maturing a Bill impracticable: but they beg earnestly to recommend that, early in the next year, proper steps may be taken to effect this important object.

The other claim, preferred by the Petitioners, is for the privilege of Solemnizing Marriages by *Licenses*: This subject has been repeatedly before the Legislature, and experienced from the Assembly the consideration, due to the intense interest it has excited and

and to the number and character of the Clergymen who have urged it to your Notice.

On the present occasion, the Committee have thought it necessary to present in the first place,—for the information of the Assembly—an Abstract of the several Laws, applicable to the question, and of the proceedings in former Sessions: accompanied with copies of several dispatches from His Majesty's Secretaries of State for the Colonies. These Documents accompany the Report.

After the best attention which the Committee have been able to give to the early Laws respecting Marriages and particularly to the 3d Section of the Act of 1758 they cannot avoid coming to the conclusion—that the words of this Section are entirely at variance with the opinion—that Licenses for Marriage were, at that time, or under this Law, granted to any particular Minister; or confined to any particular form of celebration.—For it is expressly enacted, "*That if any Clergyman shall refuse to Marry Persons requesting him thereto, and making known to him, that they have obtained a license as aforesaid, he shall forfeit £50*"—What that License is, the first Section specifies by designating it a *License for Marriage, under the hand of the Governor*: and a Penalty is attached to any person presuming to officiate in Solemnizing any Marriage without publication in some *Congregation within the Town or Towns where each of the parties do reside.*" It would seem that the practice of New England, from which the principal part of our early Laws are evidently copied, had been adopted in respect to Marriages; and the close connexion existing between that Colony and this, previous to the American War, appear to have brought into use here, the manners and customs of the former, and more established Government.

That the analogy between our Laws relating to Marriage and those of that Province, may more distinctly appear, the Committee annex copies of the early Acts of Massachusetts on the subject; and beg to refer to the subjoined extract, from the Historian of that Colony, upon this part of its Institutions.

If it be correct that our early enactments in this matter adopted the practice of New England, the terms used in these Laws are satisfactorily elucidated; and a strong inference must follow against the asserted right of the Clergy of the Church of England, to have licenses directed to them *alone*, and under the *condition* that the ceremony be *solemnized* according to their *peculiar rites*. The Committee regret that they cannot obtain the form of the Marriage License, first used here; but if any alteration has taken place in it, (such has been suggested was in fact the case) they conceive that change was either sanctioned or confirmed, if not commenced, by the subjoined Dispatch of the Duke of Portland; which—referring in truth only to the *right* to the *License*, as
between

between the *Rector* and a *Clergyman*, officiating within the limits of the former's Parish—appears to have been misconstrued into a *general prohibition* to issue Licenses, in future, to any but Clergymen of the Church of England; and has led to the adoption of the form now used. Of this the Committee annex a Copy.

Conformably also to this view of the subject, the Committee consider the Act—passed in 1819, relative to Marriages and the issuing of Marriage Licenses—to have been with great propriety made a *declaratory* Statute: and as they are satisfied its provisions were reasonable and just, they cannot but concur in the universal sentiment of regret, which pervaded the Province when the intelligence of its disallowance was communicated in 1822.

The inducements which led the Legislature to pass this Act are most distinctly and powerfully detailed in the joint address from the Council and Assembly, which accompanied it to England. In the opinion of the Committee, these still continue in full force; and require only to be urged by the Assembly, in a proper manner, to overcome the *suggestions*, which, on that occasion, interfered with the favorable consideration usually extended by his Majesty's Government to the requests of this Colony.

The Committee however must bring to the notice of the House, that the fate of a similar Bill—sent in 1824 to His Majesty's Council—and the express terms of His Majesty's Instructions, relative to measures which have once received the Royal disapprobation, preclude the possibility of any further Legislative Enactment here, until His Majesty's pleasure shall be signified. It only remains therefore for the Committee to recommend to the House:—that an humble Address be presented to his Majesty, setting forth the reasonable claims of the Clergy—of the Dissenting part of his subjects—and praying that authority may be given to His Excellency the Governor to assent to an Act for removing the grounds of complaint preferred by the Petitioners—and for conferring the privileges they so anxiously solicit.

On a subject, which must necessarily be of so much importance in a public point of view, as the due and orderly Solemnization of the Marriage Ceremony, the Committee have thought it their duty to present some further observations on the existing regulations affecting it. The claim, by the Clergy of the Church of England, of an exclusive right to the Marriage Licenses,—so much insisted on in the observations communicated in 1820, by Earl Dalhousie, and in the Report of the Honorable the Committee of the Privy Council recommending the disallowance of the Bill,—have led the Committee to a hasty investigation of the true nature of the *Licence* or *dispensation*. They find it as well as the *publication of Banns* to have been used for the purpose of preventing *clandestine*,
and

and facilitating legal Marriages. Formerly the Law in England relating to Marriages, Banns, and Licenses, stood thus:

The Banns of Marriage were to be thrice published in the Church, to which each party belonged, before their Marriage could be solemnized: No dispensation, or license to Marry without publication of Banns, was to be granted but to persons of good Estate and Quality: These dispensations or Licenses, were to be granted *only* by the Ecclesiastical Judge, who had power to examine on Oath, whether the Marriage might be legally celebrated or not: and the Judge was also to be satisfied, by the Oath of at least one of the Parties, that there existed no impediment or pre-contract, consanguinity, affinity, or any other cause, nor suit commenced in any Ecclesiastical Court, to hinder the marriage. Further, the oath of two Witnesses was requisite, that the Parties, if under age, had the consent of Parents; - or of Guardians if the Parents were dead. And when all these matters were observed, and the proper security taken, the Judge might decree for the dispensation, and grant a license accordingly, for the celebration of the Marriage *without publication of Banns*; directing it to be done in the Church or Chapel to which one or both of the Parties belonged; lest, by not knowing the parties, the Minister might be surprised into celebrating an illegal or unfitting marriage.

These rules and precautions, if duly observed, would have rendered clandestine Marriages very rare; but it appears to have been matter of serious complaint by those who have treated on the subject, that the Judges or Commissaries, and Registrars of the Ecclesiastical Courts, had universally neglected all these securities; and that a practice had grown up of sealing these Licenses, with *Blanks*, to be filled up with the names of any who would become purchasers—and without further enquiry than for the fees; and also of directing the License to be executed within their Jurisdiction, in any Church or Chapel, which the Parties desired: thus affording every facility for improper marriages. For as parties are usually well known in the Parishes where they live, especially to the Minister, it was reasonably to be expected that, if the license came to him, he would have it in his power to discover and prevent any illegal practice.

It must be evident that the object of publishing the Banns of Marriage, would be more extensively realized in a Country like England, than in a new settled Colony, where only a few Parishes are laid out; and where the Congregations of the Church of England, or of any other denomination of Christians, bear a very small proportion to the Mass of the Inhabitants. These causes, therefore, and the private manner in which some Dissenters publish Banns, provide those who seek to engage in illegal marriages, with every facility for effecting their designs.

Looking

Looking then to the purpose for which publication of Banns was instituted—to the prudent and salutary precautions ordained to be observed by the Ecclesiastical Courts before a Dispensation can issue in England,—Considering also that the Clergy of the established Church support their exclusive claim to these Licenses, by alleging that they are granted by the Governor *in his character of Ordinary* of the Province,—the Committee submit whether many important advantages would not attend a return to the ancient and wise regulations of the Mother Country respecting Licenses. The Executive has committed all other Powers which it possessed as Ordinary, to the several Probate Courts throughout the Province. If the Power of licensing for Marriages, belong also in fact to the Governor as Ordinary, there cannot exist any reasonable objection, in the present advanced state of the Province, to delegate *this also* to the same Tribunals—under the obligation of using precautions similar to those above detailed. This measure, if earlier adopted, would have prevented *in this Province*, many instances of severe affliction from Connexions, formed with persons previously contracted;—will restrain them in future;—and will tend to check the practice of solemnizing the Marriage Ceremony upon publication of Banns—a system which if observed as a security against the frauds referred to, is plainly inefficient. Were Licenses under such precautions granted to the *Parties themselves*, and marriage allowed to be celebrated by *whatsoever Clergyman they may think proper*, it cannot be doubted but that our whole population will be entirely satisfied with the arrangement: since thereby the rights established by the early Laws, will be restored to them;—all sects and persuasions of Christians will enjoy equal Privileges; and this great source of dissatisfaction be effectually removed;—that aversion which extends so widely among our female population to the publication of Banns, and to which the former facility of being married by license has given the strong sanction of Custom, will no longer require to be sacrificed;—the present course of having the marriage ceremony performed by a *lay Commissioner*—although the regularly ordained and established Minister of the Congregation to which the parties belong, be close at hand—will cease; together with all the dangers to the parties and the public, which are sure to accrue from divesting the most important of Contracts of the sanction of Religion, in that form which the parties consider most binding;—and lastly, as the Committee hope, the only effectual foundation will be laid for establishing in the same Courts, a Registry regularly kept of all the Births, Marriages and Burials, within their jurisdiction. This last object alone, as it could be effected only through the adoption of what is here proposed, the Committee deem of sufficient importance to justify the measure: for experience has proved the present enactments respecting these

Registries,

Registries, to be wholly useless : And it is evident that the lapse of a few years will render the neglect of them a source of infinite inconvenience.

In conclusion, the Committee beg to remark that,—should the granting of *corporate powers*, under certain restrictions, to Dissenting Congregations, be approved of,—it would be proper to restrict the performance of the marriage ceremony (under a license to the *parties*) to Ministers of the Congregations which are thus incorporated.

This precaution will obviate the principal objections stated by Earl Dalhousie in his Message, against the claims of the Petitioners.

All which is humbly submitted.

CHARLES R. FAIRBANKS, Chairman,
RICHARD UNIACKE,
JOHN STARR,
JOHN YOUNG.

COMMITTEE ROOM, HOUSE OF ASSEMBLY:

5th April 1927.

ABSTRACT & PAPERS

REFERRED TO IN THE REPORT OF THE COMMITTEE TO WHOM
THE PETITIONS RESPECTING THE MARRIAGE LICENSES,
&c. WERE REFERRED.

EXTRACT FROM JOURNALS OF THE HOUSE OF ASSEMBLY.

Friday, 27th March, 1817.

On Motion, the House resolved itself into a Committee of the whole House, on the further consideration of the Petition of the Rev. James Robson, Wm. Black, and others.

The Chairman reported from the Committee, that they had gone through the business to them referred, and had come to a resolution thereupon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was read, and is as follows :—

Resolved, That it is the opinion of this Committee, that the prayer of the Petition should be granted: and that it be recommended to the House, to adopt such measures as shall be necessary to effect the object sought for by the Petitioners.

The said resolution was read throughout a first and second time, and, upon the question put thereon, agreed to by the House; and thereupon.

Resolved, That His Excellency the Lieutenant Governor, be requested (in case he should consider himself authorized by Law so to do,) to grant Licenses to Clergymen dissenting from the Church of England, authorizing them to celebrate Marriages, pursuant to the rites and ceremonies of their respective Churches, and that Mr. Speaker do deliver the foregoing resolution to His Excellency.

SECRETARY'S OFFICE,

Halifax, 6th June, 1818.

SIR,

By Command of the Right Honorable the Earl of Dalhousie, I have the honor to acquaint you, that His Lordship, immediately after the receipt of your letter, directed the Honorable R. J. Uniacke, His Majesty's Attorney General, to give an opinion how far His Excellency could legally comply with the request of the House of Assembly, as expressed in their Resolution of the 27th of March last. A Copy of the opinion given by the Attorney General, I herewith enclose for the information of the Assembly, that they

they may fully understand the reasons which will induce his Lordship to decline a compliance with the request of that Honorable House.

I have the honor to be,
With great respect,

Sir,

Your very humble servant,
HENRY H. COGSWELL,

D. E.

TO THE SPEAKER OF THE HOUSE OF ASSEMBLY

Halifax, 3d June, 1827.

MY LORD,

In obedience to your Lordship's orders, communicated to me, by the Under Secretary of the Province, I have considered the Extract from the Journals of the House of Assembly, of the twenty seventh of March, by which it appears your Excellency has been requested by the House (if you think yourself authorized by Law so to do,) to grant Licenses to Clergymen dissenting from the Church of England, authorizing them to celebrate Marriages, pursuant to the rites and ceremonies of their respective Churches;—and agreeably to your desire, I submit for your Lordship's consideration, the best opinion I can form on the subject. In all the Royal Colonies, the Governor, or person administering the Government for the time being, has Ecclesiastical Jurisdiction trusted to him, to a certain extent, in the exercise of which he is bound to observe the rules and regulations of the Church of England, as by Law established; and in my opinion, if the Governor conforms to, or adopts the rules of any other Church, in administering the Ecclesiastical functions of his Office, he would be liable to censure; because, as His Majesty's Representative, he can only legally officiate as the Head of the Church of England, and of no other Church.

In all the Royal Governments in the Colonies, the power of authorizing the Ministers of the Church of England to celebrate Marriages without the publication of Banns, ex officio appertains to the Governor; who has power agreeably to the rules of the Church, to grant Licenses the same as the Metropolitan or Ordinary does in England; and in this Colony, from its first Establishment to the present day, such Licenses have been granted; and the Governor, in issuing them, in this as in all the other King's Colonies, is bound to observe the form, and to administer the oaths and receive the stipulations which the Canon and Statute Law require the Church of England to pursue.

Being unacquainted with the causes* that produced this Resolu-
to

on, I can form no opinion on that point, and only observe that I know of no impediment that prevents any Dissenting Clergyman in this Province, from celebrating Marriages pursuant to the rites and ceremonies of their respective Churches, without License from the Governor: and as far as I am informed, I believe there is no existing power that is acknowledged in any of the Dissenting Churches, whereby any of the Clergy can be Licensed to celebrate a Marriage without the publication of Banns [a ceremony which I believe is indispensably required by the rules of all respectable Dissenting Churches.]

In this Province the Church of England is the established Religion of the Government; but all other descriptions of Protestants are at free liberty to observe the rites and ceremonies of their respective Churches, without controul or impediment. The Provincial Statute 32d of George 2d, Cap. 17, prohibits, under a severe penalty, the Clergy of every Church from celebrating a marriage without the previous publication of Banns. This Statute was made to enforce the Rules and Regulations of the Dissenting Protestant Churches on this subject; and although a large majority of the Legislature was then, as it is now, composed of various denominations of Protestant Dissenters; yet an exception was introduced in favour of the Church of England, as the rules of that Church (contrary to the rules of the Dissenting Churches,) under certain regulations, allowed marriage to be celebrated without publication of Banns; and your Lordship will observe, by a subsequent Statute, how very cautious the Legislature was to avoid meddling with the Laws and Regulations of the Church of England; for on discovering that the Law for regulating marriage, had imposed penalties on the Clergy of the Church of England as well as the Clergy of all the other Protestant Churches, the Statute of the 33d George 2d, Cap. 3 and 8 was passed, leaving the Church of England Clergy subject to such penalties only, as the Canon and Statute Law of the Church of England imposed; which shews that our Marriage Act had only for its object, to give force and effect to the existing rules of the Protestant Churches, respecting marriages in which (the Church of England only excepted,) Licenses to dispense with the publication of Banns, is a system I believe unknown.

I am decidedly of opinion, that the Governor has no power, either by License or otherwise, to interfere with the Protestant Dissenting Churches in celebrating Marriages according to the Rules of their respective Churches; and in my opinion, any attempt to make a License from the Governor necessary to authorize a Clergyman [dissenting from the Church of England,] to celebrate marriages pursuant to the rites and ceremonies of their respective Churches, would be a violation of that system of toleration and
general

general Religious Liberty, to which all his Majesty's Subjects are entitled in this Province,

I have the honor to be,
With the highest respect,
My Lord,

Your Lordship's
Very faithful, and most obdt. Servt.

(Signed.) RICHARD J. UNIAKKE.
The Right Honorable Earl of Dalhousie,
Lt. G. v. r. and Commander in Chief.

&c. &c. &c.
Halifax.

(Signed.)

A true Copy,
HENRY H. COGSWELL.
D. S.

* It would seem that the view taken by the Assembly, of the Subject of granting Marriage Licenses, differed widely from that of the Law Officer of the Crown;—The Assembly appearing to regard the power of issuing Licenses to be derived to the Executive, from the *Statute*; not subsisting *ex officio*; the right to a License for Marriage to be *general* to all, not *confined* to Members of the Established Church;—and the terms of the License, to be *unconditional* as to the *mode* of Celebrating the Ceremony.

ABSTRACT

OF THE SUBSEQUENT PROCEEDINGS IN THE HOUSE OF ASSEMBLY, ON
THE SUBJECT OF MARRIAGE LICENSES.

1819.

15th Feb. Letter from Deputy Secretary to Mr. Speaker, dated 6th June, 1818, enclosing copy of opinion by the Attorney-General, to Lieutenant-Governor, on subject of Marriage Licenses, as expressed in Resolution of the House, on 27th March last. Also, copy of this opinion. p. 13.

17th Feb. Petition of Rev. W. Bennett and others, Ministers of the People called Methodists, praying that a Law may be passed, enabling Lieutenant-Governor to grant Licenses to Clergymen dissenting from Church of England, authorizing them to celebrate Marriage according to the Rites and Ceremonies of their respective Congregations. p. 14.

23d Feb. Petition from Rev. T. H. Chipman and others, Baptist Ministers, praying, that a Law may be passed, authorising Lieutenant-Governor, to grant Licenses to all Ministers that are regularly ordained to celebrate marriages.

24th

- 24th Feb. Petition of the Rev. J. Robson and others, Ministers of the the Presbyterian Church, praying a Law to authorize Lieutenant-Governor to grant Licenses, to enable Petitioners to celebrate Marriage in a mode consistent with the usage of their own Church. p. 26.
- 26th Feb. Petition from Rev. Tho. G. McInnes and others, Members of the New Presbyterian Church in Halifax, known by the name of the Relief, praying to the same effect; p. 29.
- 4th March. The 7th inst. appointed to consider Petitions on Marriage Licenses.
- 5th March. Order of the day,—Petitions being read, *resolved unanimously*, that the prayers of the Petitioners be granted, and that a Committee be appointed to bring in a Bill, to remove all doubts, with respect to the power of the Governor, to grant Licenses to Ministers of Dissenting Churches, to Solemnize Marriages. p. 32.
- 6th March. Bill reported by Committee, and read 1st time. p. 29.
- 8th March. Bill read 2d time and committed. p. 41.
- 10th March. Bill reported by Committee of whole House, with Amendments; which the House agreed to. p. 43.
- 11th March. Bill engrossed and read 3d time,—Motion to re-commit by Mr. Fraser, negatived,—Bill past,—Title, An Act, relating to Marriages and Marriage Licenses; sent to Council. p. 45.
- 15th March. Conference asked by Council on Bill, and held. p. 52.
- 19th March. Bill sent from Council with amendments. p. 69.
- 24th March. Amendments referred to the Committee of whole House. p. 66.
- 25th March. House in Committee on amendments, and report that Conference be asked with Council thereon. p. 67.
- Conference asked and held.
- 26th March. Message, that Council had agreed to Bill. p. 77.
- 12th April. House Resolved as follows:—Whereas a Bill, entitled, An Act, relating to Marriages, and the issuing of Marriage Licenses, having passed this House, and H. M. Council, was signed by the President of His Majesty's Council and the Speaker of the House, and sent to His Excellency the Lieutenant-Governor, for his inspection; and His Excellency, having signified to the Speaker of this House, that he cannot, consistently with the Royal Instruction, assent to this Bill, without a Clause being inserted therein, suspending its operation, until the Royal Pleasure shall be known thereon. *Resolved therefore*, that this House will, under existing circumstances, receive this Bill, and insert therein such suspending clause. p. 107.
- 14th April. Mr. Speaker, having obtained the Bill, the suspending clause

clause was added, and Mr. Speaker directed to deliver it to the President of the Council. p. 122.

15th April. Mr. Speaker reported he had delivered Bill. p. 122.

Resolved, that an Address be prepared to request His Excellency to transmit Bill to His Majesty's Ministers, for the favourable consideration of His Royal Highness the Prince Regent. p. 123.

Act agreed to, by Lieutenant-Governor. p. 124.

Council agree to join House in the Address ordered. p. 125.

p. 126.

16th April. Address reported and adopted.—Address at length.

17th April. Address presented by President of Council. p. 130.

The Act referred, is 39, G. 3. ch. 16.—Preamble, recites that it is passed to remove Doubts as to authority to issue Licenses to Marry, or otherwise than according to forms prescribed by Book of Common Prayer.

1st Clause gives form of Licenses.—2nd, requires usual security.—3d, respects regularity of Licenses.—4th, ordains Certificate of Marriage, to be given to parties.—5th, makes Certificate Evidence.—6th, appoints fees.—7th, declares who shall Solemnize Marriage, and between what Parties.—8th, suspending Clause.

SESSION OF 1820.

A MESSAGE FROM LORD DALHOUSIE, AS FOLLOWS:

22d Feb. Mr. Speaker,—By an Official Dispatch under date of July 10, 1819, received from His Majesty's Provincial Secretary of State for the Colonial Department; I am informed His Royal Highness the Prince Regent does not give his consent to the Act of the Legislature, passed in the last Session of the General Assembly, entitled, An Act relating to Marriages, and the issuing of Marriage Licenses.

As the policy and propriety of this Act, have occasioned much discussion, I deem it proper to state, to the Legislature, the reasons which have influenced His Royal Highness to withhold his assent to the Act.

1st.—Because the latitude already given under the Law, as it now stands, removes every real cause of complaint.

2d.—By the publication of Banns, in their respective Congregations, Dissenters of all Denominations may be married according to the rules of their respective Churches.

3d.—It is only when the Parties prefer being married by License, that the obligation arises of their being married agreeably

agreeably to the forms of the Church of England. If therefore there be any grievance in this obligation, it is purely optional.—and so far from its being advisable to multiply the occasions on which Marriages are to be Solemnized by License—much inconvenience and irregularity must arise from the extensive use of them.

4th.—That it is not the practice of the Church of Scotland, to marry under License. The Church of England allows it, but is not inclined to extend the practice—being aware that if Licenses were extensively given, there would not be the same security against irregular Marriages, as there is when celebrated by Banns.

If marriages under the Licenses proposed, were permitted to be indiscriminately Solemnized by Dissenting Ministers of all Denominations, according to their respective Rituals, it would become a fruitful source of confusion, in a matter where irregularity leads to the most painful consequences: while it would entirely pass by the Established Church, *impoverish* its revenue and degrade its authority.

(Signed)

“DALHOUSIE.”

- 24th Feb. Message ordered to be considered 2d March. p. 155.
 2d March. Order adjourned to 4th instant. p. 166.
 4th March. Order adjourned to 6th instant. p. 169.
 3d April. Message read and considered—thereupon, *resolved*, that the House deeply regret that His Royal Highness, the Prince Regent, has been advised to withhold his assent from that Bill; as this House are of opinion, the granting Marriage Licenses to the Clergy of the Church of England, creates an invidious distinction, which is not only injurious to the Church itself, but grating to the feelings of a large and respectable majority of His Majesty's Subjects in this Province;—and that this House considers every attempt to increase the Revenue, or extend the authority of the Church of England by such means, at the expence of christians of other denominations, as a *violation* of that Law which encouraged them to settle themselves in this Country.
 Two other Resolutions proposed, but negatived p. 245.

2d Session of 1820,—nothing done.

Session of 1822.

- 19th Feb. Message from Lieutenant-Governor, communicating dispatch from Earl Bathurst, conveying copy of order
 in

in Council, disallowing the Act passed in 1818;—relating to Marriages and Marriage License.—Order dated 9th June, 1821, letter, 20th June, 1821. p. 129.

DOWNING STREET,
23d July, 1821.

SIR,

Herewith I have the honor to transmit to you, an Order of His Majesty in Council, bearing date the 9th Ultimo; disallowing Three Acts passed by the Legislature of the Province of Nova Scotia, in the years 1818 and 1819, entitled as follows: viz:—

An Act for the improvement of the Common of Halifax.

An Act relating to Marriages, and the issuing of Marriage Licenses.

An Act for appointing Clerks to the Supreme Court, and Inferior Court of Common Pleas, in the several Counties and Districts within this Province.

I also enclose extracts from the Reports of the Lords of the Committee, for Trade, &c. containing the reasons for disallowing the same.

I have the honor to be,

&c. &c. &c.

(Signed)

"BATHURST."

LIEUTENANT-GENERAL

SIR JAMES KEMPT, G. C. B.

&c. &c. &c.

Extract from Report of the Lords of the Committee for Trade, &c. on an Act passed in Nova Scotia relating to Marriages, and the issuing of Marriage Licences.

THE Lords of the Committee, this day took into their consideration the said Act. It is not shown by any Representations accompanying the Act, that the great change which it makes in the Law of Nova Scotia, (which is founded on the principles of the Church of England) respecting Marriages, is necessary or expedient.

The subject is one of great importance, and of great delicacy: and the Committee conceive that it would on general principles be expedient to preserve as much as possible, the Sacred Character of Marriage, by such Forms of Solemnization as are established

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in the Church of England.—Of these, the most distinguished is the Office of Minister; and though exceptions have been made, admitting Solemnization by Ministers not authorized by Episcopal Ordination, in certain cases, it seems not to be required on Reasons of necessity, in this instance; as the 35th Geo. 3d. Cap. 2, has provided for such cases;—And if it is merely a concession to the Claims of particular Dissenting Ministers, or to the wishes of Individuals, it should be justified by Special Circumstances, or it would, the Committee conceive, be necessary that it should be considered to the extent, to which it might be applicable to all British Settlements.

The Committee humbly take leave therefore, to recommend to your Majesty—that the said Act be disallowed.

A true Copy.

RUPERT D. GEORGE.

Session of 1823,—nothing done.

Session of 1824.

19th Feb.	Bill relating to Marriages and Marriage Licenses, read 1st time.	p. 364.
20th Feb.	Bill read 2d time, and committed.	p. 366.
25th Feb.	Bill passed in Committee.	p. 373.
26th Feb.	Bill engrossed, read 3d time, and passed. sent to Council.	p. 379.
9th March.	Committee appointed to search Journals of Council, as to Bill.	p. 402.
	Report that Council had deferred consideration for 3 months.	p. 405.

DISPATCHES ON THE SUBJECT OF MARRIAGE LICENSES

WHITEHALL, 23d May, 1800.

SIR,

It has been represented to me by the Archbishop of Canterbury, that Licenses have been lately addressed by you, to Mr. Wright, the present Minister of the German Church at Halifax, empowering him to perform the Marriage Ceremony.—This circumstance has the more surprised me, as by my letter to you of the 10th of June last, No. 43, in which His Majesty's Confirmation of your nomination of Mr. Wright to that Church was signified,—You were particularly informed that the German Church was not to be erected into a separate Parish, but it was to remain a part of the Parish of St. Paul's.—You will therefore take care in future, that all Licenses issued by you for the Solemnization of Marriages within that Parish, be addressed, as has heretofore been the practice,

practice, to no other person whatever, except the Rector, Vicar, and Curate of that Parish.

I am, Sir,

Your most obedient,

Humble Servant,

(Signed)

PORTLAND.

A true Copy.

RUPERT D. GEORGE.

Extract of a Letter from His Grace the Duke of Portland, dated Whitehall, 10th June, 1799, to Sir John Wentworth, Bart.

"THE very favorable terms in which you speak of the Rev. Mr. Wright, very strongly incline me to sanction your recommendation of him, to be Minister to the German Congregation, in the room of the Rev. Mr. Houseal; but, as Mr. Wright is a Clergyman of the Church of England, and as the service performed to the German Congregation is in English, and according to the Liturgy of the Established Church;—It seems to me, that this Church must of necessity be subject to the jurisdiction of the Bishop of Nova-Scotia.—With respect to the German Church being erected into a separate Parish—although it is right and just, that the Property and Privileges, which belong to their Church and burial ground, should remain unaltered, yet I see no reason whatever, for its being erected into a separate Parish: and I am of opinion, that it should remain, as it is at present, a part of the Parish of Saint Paul's."

I am, Sir,

Your most obedient,

Humble Servant,

(Signed)

"PORTLAND."

SIR JOHN WENTWORTH, Bart.

&c

&c.

&c.

A true Copy.

RUPERT D. GEORGE.

FROM THE LAWS OF MASSACHUSETTS.

4, WM. & MARY, C. 10.

An ACT for the orderly Consummating of Marriages.

BE it ordained and enacted by the GOVERNOR, Council and Representatives in General Court of Assembly, and by the Authority

Authority of the same, that every Justice of the Peace, within the County where he resides, and every settled Minister, in any Town, shall, and are hereby respectively empowered and authorized to Solemnize Marriages, within their respective Towns and Counties, betwixt persons that may lawfully enter into such a Relation, having the consent of those whose immediate care and government they are under, and being likewise first published by asking their Banns, at their several Public Meetings, in both the Towns, where such Parties respectively dwell; or by posting up their names and intentions at some public place in each of the said Towns, fairly within view, there to stand by the space of fourteen days; and providing Certificate of such publishment be made, under the hand of the Town Clerk, or Constable of such Towns respectively.

And the fee to be paid for every Marriage, shall be three shillings: and for publishment and certificate thereof, one shilling.

And be it further enacted, That whoever shall presume to deface or pull down any such Publishment, posted up in writing, before the expiration of the time, shall be fined to the use of the Poor of the Town, the sum of Ten Shillings, being convicted thereof, before one or more Justices of the Peace; and if the Party be unable to pay the said fine, then to be set in the Stocks one whole hour.

And every Justice and Minister, shall keep a particular Register of all Marriages Solemnized before any of them, and make a return thereof at the end of each quarter of a Year, into the Clerk of the Sessions of the Peace, within the same County, to be by him Registered, who is hereby empowered thereto, and shall be paid by every such Justice and Minister, three pence for each Marriage so returned.

And be it further enacted, by the authority aforesaid, That all Controversies concerning Marriage and Divorce, shall be heard and determined by the Governor and Council,

Extract from Act 7, Wm. 3d, C. 6.

An Act for the better preventing of *Clandestine Marriages*.

And be it enacted by the authority aforesaid, In addition to the Act, entitled, An Act for the orderly consummation of Marriages: That no person other than a Justice of the Peace, and that within his own County only, or ordained Minister, and that only in the Town where he is settled in the work of the Ministry, shall or may presume to join any persons together in Marriage; nor shall any Justice or Minister, join any persons in Marriage, other than such—one or both of whom are Inhabitants or Residents in such County or Town respectively; nor without Certificate produced

duced under the hand of the Clerk, of the several Towns where the Parties respectively dwell, that the names and intentions of the said Parties, have been entered with him fifteen days before hand; and that due publication of such their intention or purpose, has been made in manner as by Law is directed: Nor without evident signification, that the Parents of such persons, or others, whose immediate care or government they are under, are knowing of, and consenting to such Marriage: On pain, that every Justice, Minister, or other person, offending against this Act, shall for every such offence, forfeit and pay the sum of Fifty Pounds, as a fine for, and towards the defraying of the public charges, arising within such County, where the offence is committed: To be sued for, and recovered by, the County Treasurer, in any of His Majesty's Courts of Records within the same; by bill, plaint, or information: And shall, and are hereby for ever after disabled to join persons in Marriage,—And be further liable to the action and suit of the Parents, Guardian, or others, whose immediate care or government either of the parties were under at the time of such Marriage, that are aggrieved thereat, and shall prosecute the same.

And be it further enacted, That if at any time the Banns of Matrimony betwixt any persons shall be forbidden, the Publisher thereof, shall forbear to proceed therein, until the matter have been duly enquired into, and heard before two of the Justices of the same Court; and that they certify under their hand, either that the cause was insufficient, or that it is removed.

And all Marriages to be Registered by the Town Clerk, of the same Town, where they are consummated; and every Justice or Minister aforesaid, shall return a Note or Certificate into the Clerk of the Town, of the names of all persons which they shall Marry,—and of the time when,—within three months at the farthest, after consummation of the same; and shall allow and pay out of his fee, unto the Clerk for entering the same, three pence; any law, usage or custom, to the contrary notwithstanding.

Act 3, Geo. 2, C. 14.

An Act in addition to an Act, for the orderly consummating of Marriages, made and passed in the 7th year of the Reign of King William the Third.

“WHEREAS, in and by the said Act, it is provided that no person, other than a Justice of the Peace, and that within his own County only; or ordained Minister, and that only in the Town where he is settled in the work of the Ministry—shall or may presume to join any persons together in Marriage: nor shall any Justice or Minister, join any persons in Marriage, other
“than

"than such, one or both of whom are Inhabitants or Residents in such County or Town respectively.

Be it enacted, by His Excellency the Governor, Council, and Representatives, in General Court of Assembly, and by the Authority of the same ;—That the Power granted Ministers, to join persons together in Marriage, be hereby enlarged ; so as that where there shall be no settled Ordained Minister in any Town or Precinct, or when the only settled Ordained Minister of any Town or Precinct, is himself to be married :—It shall and may be lawful in such cases, for the next settled, Ordained Minister in another Town, within the same County, to join in Marriage the Minister or Inhabitants of such Town or Precinct, destitute of such settled Ordained Minister, if such Minister or Inhabitants desire it ; according to the Rules prescribed by the Laws of this Province, for the consummating Marriages.

And be it further enacted, by the Authority aforesaid :—That every Justice or Minister, shall have four shillings for each Marriage, and pay out of it sixpence to the Town Clerk, when they return their Certificates to him.

And Whereas, there is great failure in returning Certificates of Marriage to the Town Clerk.

Be it enacted, that each Justice or Minister neglecting to make due return to the Town Clerk, as the Law directs, every of them shall pay a fine of ten shillings for such neglect.

And be it further enacted, that every Town Clerk shall give in a true list of all Marriages returned to him by the Justices and Ministers respectively, unto the Clerk of the Sessions of the Peace, in each County, sometime in the month of April, yearly and in every year ; and upon the penalty of forfeiting twenty shillings fine, for every neglect. And every Town Clerk shall pay two pence to the Clerk of the Peace, for every Marriage returned by him as aforesaid ; which shall be the fee for the Clerk of the Peace, his recording the same. And each fine is to be recovered by Bill, Plaint, or Information, in any Court of Record.

Provided, that every Justice of the Peace or Minister, authorized to join persons together in Marriage, every Clerk of the Peace, or Town Clerk respectively, may be prosecuted upon this or any former Act relating to Marriages, within two years after the offence committed, and not afterwards : Any Law, Usage, or Custom, to the contrary notwithstanding.

ABSTRACT

OF THE EXISTING PROVINCE LAWS, RELATING TO MARRIAGE.

By the 32nd Geo. 2nd, Cap. 5. passed in 1758. it is enacted, that Protestants dissenting from the Church of England, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free liberty of conscience; and may erect and build Meeting Houses, for Public Worship; and may choose and elect *Ministers* for the carrying on Divine Service and administration of the Sacraments, *according to their several opinions.*

By the 32nd Geo. 2nd, Cap. 17, concerning Marriage and Divorce, passed in 1758, it is enacted, that any person presuming to officiate in Solemnizing any Marriage before notice of the Parties Intention of Marriage, shall be publicly given on three several Sundays or Holy days, in time of Divine Service, in some Congregation within the Town or Towns where each of the Parties do reside, *Or for which Marriage License shall not have been obtained under the Hand of the Governor or Commander-in-Chief of the Province, shall forfeit and pay to the use of his Majesty's Government, £50.*

It is also enacted, that, *if any Clergyman* officiating as such, in any Congregation, in the Town or Towns wherein the Parties reside, shall neglect or refuse to make, or cause to be made, such publication; he shall forfeit £50, and be subject to an action for damages.

And further, that *if any Clergyman* shall refuse to Marry any persons requesting him thereto, and making known to him, that *they* have been duly published, *or have obtained a License as aforesaid*; he shall forfeit the sum of £50, and be subject to the like action of damages.

By the 22d, Geo. 3, Cap. 3d, passed in 1782. The Town Clerk is required to apply to the several *Ministers* of the Townships, for a list of all Marriages, Births or Deaths recorded by them, before or after the act.

By the 38 Geo. 3d, Cap. 5. Marriages previously Solemnized before *Magistrates* and other lay persons are confirmed.

And by the 35 Geo. 3d, Cap. 2, after reciting that great "inconveniences had arisen, and do still exist in many parts of the Province, for want of persons being regularly authorized to Solemnize Marriages." It is provided that the Governor for the time being, may appoint such fit and proper persons as he shall think necessary, within any of the Townships or Districts of this Province, wherein no regular or *Licensed Clergyman* doth reside, to Solemnize Marriages within such Township or District between Parties, [both of whom shall have resided one month at least, within such

such Township or District] by *License*, or *otherwise* as required by the Laws of this Province; and all Marriages so Solemnized; shall be as good and valid in Law, as if the same had been Solemnized by any regular Licensed Clergyman,

Extract from Hutchinson's Massachusetts, 2d vol.

"It has been said, that before the arrival of the first settlers in New England, there had been no instance of a Marriage law—fully Celebrated by a *Layman* in England, and that after their arrival, there was during their Charter, no instance of Marriage by a *Clergyman*; but that it was always done by a *Magistrate*, or by persons specially appointed for that purpose, who were confined to particular Towns or Districts. If a *Minister* happened to be present, he was desired to pray. It would also seem that the publication of Banns was very early required; and no Magistrate, or other person specially authorised to join persons in Marriage, had authority to do it before the parties had been published according to Law;—But, in 1686, the President of Massachusetts, published an Order in Council, empowering *Ministers* and *Justices* of the Peace to Solemnize Marriages after three several times publication, or *License* from the President or Deputy.

"Previously to this, the Governor of New Hampshire was accused to issue *Licenses* to Marry—But after the Charter, Government ceased, and until the time of the Revolution, it appears that Marriages were generally Solemnized by the Clergy—some times, though rarely, by a Justice of the Peace, whom their Law still admitted to do so."

OBSERVATIONS BY THE COMMITTEE.

IF, in England, the Dispensation was granted under the Canon Law, by an Ecclesiastical Judge—and after a judicial investigation, on oath, and is directed to a Clergyman of the Church of England, and requires members of that Communion to be married in one of its established places of worship, and according to its *Liturgy*—

It will, on the contrary, in the old Colonies, appear to have been given—by virtue of an *Express Local Enactment*,—by the Person administering the Government—without any previous judicial investigation—and to have been directed, not to one of the Church of England, (for as an Establishment, that Church did not for a long period exist in New England,) but to the *Parties themselves*—and without limiting any place or formula—for Ceremonies, which any Minister or Justice of the Peace might perform. It is true
the

the object to be effected by the *two kinds* of Licenses is precisely the same ; but they were used in Countries differing as widely in Religious Customs and Institutions, as they did in those peculiarities of situation, which in America, necessarily rendered Marriage only the more formal of their Civil Contracts.

The Terms used in the *first* and *third* Sections of the Provincial Act, first cited, with respect to the license, confirm the opinion that those Licenses were directed to the *Parties only*, and not to any *particular Clergyman*; nor can the Committee conceive it to be other than a most forced construction which limits the words "*Minister*" and "*Clergyman*," used in various parts of the Laws cited to the Clergy of the Church of England: For the same term, *Minister* is used as applied to the Protestant Dissenting Clergy, in a previous Act of the same Session, which produced the Law relating to Marriage and those *Ministers* are always considered to be *licensed*, by a regular ordination, to the services of the Gospel.

If these impressions as to the License System in this Province, and the Laws relating to Marriages, be just, it will follow :--That under the present Laws of the Province, all parties desirous of Intermarrying, are *entitled* to have a License therefor granted to *them* by the Governor for the time being,—and to have the Ceremony performed by *whatsoever Minister or Clergyman* of the *Established or Dissenting Churches, they think proper to apply to*.

It is a further consequence of this opinion, that the just and legal rights of the Dissenting Population of this Province, have been infringed by the refusal to grant to them Licenses for Marriage, in the shape which the Law prescribes ; and by the inserting in such as have been granted, a *direction to a Minister* of the *Church of England*, and a *condition* for using the forms and ritual of the Establishment.

An Act was passed in 1819, for authorising the issue of Licenses in a particular form, and for the Solemnization of Marriages by Dissenting Clergymen. This Act having been disallowed by His Majesty, the Committee have examined the Report under which it was so disallowed, and are convinced that the Act of 1758, was in that decision entirely overlooked ; and that *what was in fact but a Declaration of the Existing Law, was mistaken* for a plan to create a great change in it.—As however, the Special Circumstances alluded to in the Report of the Committee of the Privy Council seem to be now present—as the same Law has been since passed by the Assembly, and rested in the Upper Branch—and as the Claim of Right is again re-echoed from every part of the Dissenting Population—it is to be presumed a more favourable reception will now be given to the request of the Assembly in this matter.

FORM OF THE LICENSE AND BOND.

BY HIS EXCELLENCY LIEUTENANT-GENERAL

Sir James Kempf,

**Knight Grand Cross, of the Most Honorable
Military Order of the Bath, Lieutenant-
Governor and Commander-in-Chief, in and
over His Majesty's Province of Nova-
Scotia, and its Dependencies, &c. &c. &c.**

TO GREETING.

WHEREAS it has been signified unto Us, that you have resolved to proceed to the Solemnization of true and lawful Matrimony, and are desirous to have the same Solemnized without Proclamation of Banns, and being willing that those your good Intentions shall take effect, and for other lawful causes, do hereby grant this License and Faculty, as well to the parties contracting, as the Rector, Vicar or Curate, of the Parish of

to Solemnize the said Marriage openly, without Publication of Banns, according to the Rules of the Book of Common Prayer, as by Law established: Provided there shall hereafter appear no lawful Impediment, by reason of Consanguinity, Affinity, or other cause whatsoever: and if in case there hereafter appear any Fraud suggested, or Truth suppressed, at the time of obtaining this License, then these Presents shall be void and of no effect in Law; Inhibiting hereby all Ministers, if any thing of the Premises come to their Knowledge, that they do not proceed to the celebration of the said Marriage, without consulting Us thereupon.

Given under our Hand and Seal at Arms, at Halifax,
this day of Anno
Domini

BY HIS EXCELLENCY'S COMMAND.

PROVINCE OF NOVA-SCOTIA.

KNOW all Men by these Presents, that We, are held and firmly bound to His Excellency Lieutenant General Sir James Kempf, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over His Majesty's Province of Nova-Scotia, and Dependencies, &c. &c. &c. in the sum of One Hundred Pounds, Lawful

Lawful Money of Great Britain, to be paid to the said Sir JAMES KEMPT, or his certain Attorney, Executors, Administrators or Assigns, for the true payment whereof we bind ourselves, and each of us by himself, for the whole and every part thereof, and the Heirs, Executors and Administrators of us, and each of us firmly by these Presents, sealed with our Seals, dated the day of in the Year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth, and in the year of our Lord One Thousand Eight Hundred and Twenty

The condition of this Obligation is such that if hereafter there shall appear any Lawful Let or Impediment by reason of Consanguinity, Affinity, or any other lawful means whatever, why the said may not lawfully solemnize Marriage together, and in the same afterwards to remain and continue for Man and Wife, according to the Law in that behalf provided; and if the same Marriage shall be openly solemnized according to the form of the Book of Common Prayer now established, and if the above bounden

do save harmless the said Sir JAMES KEMPT, and other his Officers, whatsoever, by reason of the Premises, then this Obligation to be void, else to remain in full Force and Virtue.

Signed, Sealed and Delivered, }
in the presence of }